

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA F. COSTES,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:08-cv-94-MHT

**WAYNE INDUSTRIES,
a division of EBSCO,**

DEFENDANT.

JOINT MOTION TO DISMISS

COME NOW the Plaintiff and Defendant in the above cause, and jointly move this Court to allow the Plaintiff to dismiss her claim under the FLSA as set forth in Count One of her original Complaint and Count One her Amended and Restated Complaint. The parties show unto the Court the following:

1. Plaintiff has filed her Complaint in the above matter, and it has been properly served on the Defendant herein. Subsequent thereto, Plaintiff filed her Amended and Restated Complaint.
2. The Defendant has filed an Answer in this matter.
3. The Plaintiff now wishes to dismiss this claim with prejudice.
4. The attorney for the Defendant is not opposed to the granting of this motion and files this Motion jointly with the Plaintiff herein.

NOW THEREFORE, Plaintiff and Defendant move this Honorable Court
for an Order allowing the dismissal of her claim for damages under the FLSA.

Respectfully submitted,

/s/ David R. Arendall

David R. Arendall

OF COUNSEL:

Arendall & Associates
2018 Morris Avenue, Third Floor
Birmingham, AL 35203
205.252.1550 – Office; 205.252.1556 – Facsimile

/s/ James P. Alexander

James P. Alexander

OF COUNSEL:

Little Mendleson, PC
Wachovia Tower, Suite 2730
420 20th Street North
Birmingham, AL 35203